

**Kansas Department of Agriculture**  
**Division of Food Safety and Lodging**  
 1320 Research Park Drive, Manhattan, KS 66502  
 (office) 785-564-6767 (fax) 785-564-6779

**KANSAS FOOD ESTABLISHMENT INSPECTION REPORT**

**Insp Date:** 6/25/2015      **Business ID:** 94722FE  
**Business:** CARNICERIA LUPITA

9974 W 87TH ST  
 OVERLAND PARK, KS 66212

**Inspection:** 16000307  
**Store ID:**  
**Phone:** 9132202796  
**Inspector:** KDA16  
**Reason:** 01 Routine  
**Results:** Follow-up

**Time In / Time Out**

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
06/25/15	09:25 AM	01:45 PM	4:20	0:12	4:32	0	
Total:			4:20	0:12	4:32	0	

**FOOD ESTABLISHMENT PROFILE**

Insp. Notification Email Sent Notification To \_\_\_\_\_ Lic. Insp. No

Priority(P) Violations 4 Priority foundation(Pf) Violations 4

Certified Manager on Staff .. Address Verified p Actual Sq. Ft. 0

Certified Manager Present ..

**INSPECTION INFORMATION**

Risk factors are improper practices or procedures identified as the most prevalent contributing factors of food-borne illness or injury. Public health interventions are control measures to prevent food-borne illness or injury.

Good Retail Practices are preventative measures to control the addition of pathogens, chemicals and physical objects into foods.

Violations cited in this report must be corrected within the time frames entered below, or as stated in sections 8-405.11 of the food code.

P=Priority Violation, Pf=Priority foundation violation, HACCP=Hazard Analysis-Critical Control Point, BHC=Bare Hand Contact, RTE=Ready to Eat, HSP=Highly Susceptible Population, K.S.A.=Kansas Statutes Annotated, All temperatures are measured in degrees Fahrenheit (°F).

IF YOU HAVE ANY QUESTIONS PLEASE VISIT [www.agriculture.ks.gov](http://www.agriculture.ks.gov), EMAIL [fsl@kda.ks.gov](mailto:fsl@kda.ks.gov), OR CALL (785) 564-6767.

COMPLIANCE KEY: Y=in compliance; N=not in compliance; O=not observed; A=not applicable; C=corrected on-site during inspection; R=repeat violation.

**FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS**

**Demonstration of Knowledge**

1. Certification by accredited program, compliance with Code, or correct responses.

Y N O A C R  
 .. .. .. p .. ..

**Employee Health**

2. Management awareness; policy present.

Y N O A C R  
 .. .. p .. ..

3. Proper use of reporting, restriction and exclusion.

.. .. p .. ..

**Good Hygienic Practices**

Y N O A C R

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Good Hygienic Practices			Y	N	O	A	C	R
4. Proper eating, tasting, drinking, or tobacco use			p	..	..	..	..	..
5. No discharge from eyes, nose and mouth.			p	..	..	..	..	..
Preventing Contamination by Hands			Y	N	O	A	C	R
6. Hands clean and properly washed.			..	..	p	..	..	..
7. No bare hand contact with RTE foods or approved alternate method properly followed.			p	..	..	..	..	..
8. Adequate handwashing facilities supplied and accessible.			..	p	..	..	p	..
Fail Notes	6-301.11	<i>Pf - Each HANDWASHING SINK or group of two adjacent HANDWASHING SINKS shall be provided with a supply of hand cleaning liquid, powder, or bar soap. [There was no soap at the handwashing sink near the entrance of the back storage room. COS Employee provided soap during inspection.]</i>						
Approved Source			Y	N	O	A	C	R
9. Food obtained from approved source.			..	p	..	..	..	..
Fail Notes	3-201.11(A)	<i>P - FOOD shall be obtained from sources that comply with LAW. [Observed fried pork skins in a tied trash bag in the back storage area and behind the display cooler stored on a box. PIC (on the phone) said the pork skins are from Mies Wholesale. A invoice could not be provided. A delivery man from Mies Wholesale stated "the company did not sell pork skins like that". PIC said he needs to verify with wife of the company delivers the pork skins. COS Pork skins were discarded.]</i>						
10. Food received at proper temperature.			..	..	p	..	..	..
11. Food in good condition, safe and unadulterated.			p	..	..	..	..	..
12. Required records available: shellstock tags, parasite destruction.			..	..	..	p	..	..
Protection from Contamination			Y	N	O	A	C	R
13. Food separated and protected.			..	p	..	..	p	..
Fail Notes	3-302.11(A)(1)(b)	<i>P - FOOD shall be protected from cross contamination by separating raw animal FOODS during storage, preparation, holding, and display from Cooked READY-TO-EAT FOOD. [Raw shell eggs were stored on a wire shelf over corn masa in the Pepsi RIC #1.</i>  <i>Personal item, raw shell eggs were stored on a wire shelf in the WIC above retail beef. COS Employee was educated. Eggs were removed.]</i>						
14. Food-contact surfaces: cleaned and sanitized.			p	..	..	..	..	..
15. Proper disposition of returned, previously served, reconditioned and unsafe food.			..	..	..	p	..	..
Potentially Hazardous Food Time/Temperature			Y	N	O	A	C	R
16. Proper cooking time and temperatures.			..	..	..	p	..	..
17. Proper reheating procedures for hot holding.			..	..	..	p	..	..
18. Proper cooling time and temperatures.			..	..	..	p	..	..
19. Proper hot holding temperatures.			..	..	..	p	..	..
20. Proper cold holding temperatures.			p	..	..	..	..	..
<b><i>This item has Notes. See Footnote 1 at end of questionnaire.</i></b>								
21. Proper date marking and disposition.			..	p	..	..	p	..

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Potentially Hazardous Food Time/Temperature	Y	N	O	A	C	R
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Fail Notes	3-501.18(A)(2)	<p>P - RTE PHF/TCS, Disposition (discard if in a container w/out a date) Refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) prepared or opened and held in a FOOD ESTABLISHMENT for more than 24 hours shall be discarded if it is not clearly marked to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded when held at a temperature of 5°C (41°F) or less for a maximum of 7 days, with the day of preparation counted as Day 1.</p> <p>[In the small display cooler in the meat department, ham did not have an open or discard date. Employee said it was opened 6/24. COS Employee was educated. Ham was date marked.]</p>
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22. Time as a public health control: procedures and record.

.. .. p .. ..

Consumer Advisory
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Y N O A C R

23. Consumer advisory provided for raw or undercooked foods.

.. .. p .. ..

Highly Susceptible Populations
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Y N O A C R

24. Pasteurized foods used; prohibited foods not offered.

.. .. p .. ..

Chemical
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Y N O A C R

25. Food additives: approved and properly used.

.. .. p .. ..

26. Toxic substances properly identified, stored and used.

.. p .. .. p ..

Fail Notes	7-102.11	<p>Pf - Common Name (Working Containers) Working containers used for storing POISONOUS OR TOXIC MATERIALS such as cleaners and SANITIZERS taken from bulk supplies shall be clearly and individually identified with the common name of the material.</p> <p>[On the bottom shelf, not for retail, was a bottle of blue liquid in a spray bottle. Employee identified the liquid as window cleaner. COS The bottle was labeled. ]</p>
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Conformance with Approved Procedures
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Y N O A C R

27. Compliance with variance, specialized process and HACCP plan.

.. .. p .. ..

## GOOD RETAIL PRACTICES

Safe Food and Water
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Y N O A C R

28. Pasteurized eggs used where required.

.. .. p .. ..

29. Water and ice from approved source.

p .. .. .. ..

30. Variance obtained for specialized processing methods.

.. .. p .. ..

Food Temperature Control
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Y N O A C R

31. Proper cooling methods used; adequate equipment for temperature control.

p .. .. .. ..

32. Plant food properly cooked for hot holding.

.. .. p .. ..

33. Approved thawing methods used.

p .. .. .. ..

34. Thermometers provided and accurate.

p .. .. .. ..

Food Identification
---------------------

Y N O A C R

35. Food properly labeled; original container.

.. p .. .. ..

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Food Identification		Y	N	O	A	C	R
Fail Notes	3-602.11(B)(1)	Label information (packaged in establishment - Common Name) Label information shall include the common name of the FOOD, or absent a common name, an adequately descriptive identity statement. [Black bean, pinto beans, and pasta did not have common name on package/bag.]					
	3-602.11(B)(2)	Label information (packaged in establishment - Ingredients) Label information shall include, if made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the FOOD. [Black bean, pinto beans, and pasta did not have list of ingredients on package/bag.]					
	3-602.11(B)(3)	Label information (packaged in establishment - Net Contents) Label information shall include an accurate declaration of the quantity of contents. [Black bean, pinto beans, and pasta did not have net contents on package/bag.]					
	3-602.11(B)(4)	Label information (packaged in establishment - Business Information) Label information shall include the name and place of business of the manufacturer, packer, or distributor. [Black bean, pinto beans, and pasta did not have business information on package/bag.]					

Prevention of Food Contamination		Y	N	O	A	C	R
	36. Insects, rodents and animals not present.	p	..	..	..	..	..
	37. Contamination prevented during food preparation, storage and display.	..	p	..	..	..	..
Fail Notes	3-305.11(A)(1)	Food storage - Except as specified in ¶¶ (B) and (C) of 3-305.11, FOOD shall be protected from contamination by storing the FOOD: in a clean, dry location; where it is not exposed to splash, dust, or other contamination; and at least 15 cm (6 inches) above the floor. [Hot sauce, carnation milk, seasonings, spices, beans, and roman noodle were stored underneath retail shelves on the floor.]					
	38. Personal cleanliness.	p	..	..	..	..	..
	39. Wiping cloths: properly used and stored.	..	..	p	..	..	..
	40. Washing fruits and vegetables.	..	..	p	..	..	..

Proper Use of Utensils		Y	N	O	A	C	R
	41. In-use utensils: properly stored.	p	..	..	..	..	..
	42. Utensils, equipment and linens: properly stored, dried and handled.	p	..	..	..	..	..
	43. Single-use and single-service articles: properly used.	p	..	..	..	..	..
	44. Gloves used properly.	p	..	..	..	..	..

Utensils, Equipment and Vending		Y	N	O	A	C	R
	45a. Food and non-food contact surfaces cleanable, properly designed, constructed and used-P and Pf items	..	p	..	..	p	..
Fail Notes	4-101.11(A)	P - FCS materials (Safe) Materials that are used in the construction of UTENSILS and FOOD-CONTACT SURFACES OF EQUIPMENT shall be safe. [In the freezers were bags of beef and chicken in non-food grade plastic groceries bags.  2 bags of fried pork skins were stored inside non- food grade trash bags. COS Pork skins were discarded.]					

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

## Utensils, Equipment and Vending

Y N O A C R

*Fail Notes* | 4-202.11(A)(2) *Pf - FCS (Imperfections) Multiuse FOOD-CONTACT SURFACES shall be free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections. [4 spatulas stored in a basket of clean utensils had cuts, and chips. COS Employee was educated. Spatulas were discarded.]*

45b. Food and non-food contact surfaces cleanable, properly designed, constructed and used- Core items p .. .. .

46. Warewashing facilities: installed, maintained, and used; test strips. .. .. .

***This item has Notes. See Footnote 2 at end of questionnaire.***

*Fail Notes* | 4-302.14 *Pf - A test kit or other device that accurately measures the concentration in mg/L of SANITIZING solutions shall be provided. [Owner did not know where test strips for Chlorine (bleach) were located.]*

47. Non-food contact surfaces clean. p .. .. .

## Physical Facilities

Y N O A C R

48. Hot and cold water available; adequate pressure. p .. .. .

49. Plumbing installed; proper backflow devices. p .. .. .

50. Sewage and waste water properly disposed. p .. .. .

51. Toilet facilities: properly constructed, supplied and cleaned. p .. .. .

52. Garbage and refuse properly disposed; facilities maintained. p .. .. .

53. Physical facilities installed, maintained and clean. p .. .. .

54. Adequate ventilation and lighting; designated areas used. p .. .. .

## Administrative/Other

Y N O A C R

55. Other violations .. p .. .. p ..

*Fail Notes* | K.S.A. 65-657(b) *The following acts and the causing thereof within the state of Kansas are hereby prohibited: The adulteration or misbranding of any food, drug, device or cosmetic. [3 boxes of Advil PM (Lot G19038) expired 5/15. 5 boxes of Naproxen (Lot P110607) expired 9/14. COS Employee took the medication off the retail shelf and said she will give to PIC.]*

## EDUCATIONAL MATERIALS

The following educational materials were provided p

*Material Distributed* | *Education Title #08* *Date Marking*

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

## **Footnote 1**

### **Notes:**

Cold Holding

WIC

Ham 39.2F

Chopped pork 39F

Chicken quarters 39F

Yogurt milk 40.9F

Beef 41.6F

Meat Service Department

Meat Display cooler

Chicken quarters 38F

Pork chops 39F

Steak 40F

Sausage 38F

Tilapia 35.1F

Pork tenderloin 37F

Pork roast 43F

Smaller Display cooler

Ham 37F

Hot dogs 42.1F

Block of cheese 39F

Pepsi #1

Yogurt drink 40.1F

Sour cream 41.2F

Whole milk 40.4F

Raw shell egg 43.7F

Pepsi #2 (non-PHF)

Ambient 34.6F

Coca Cola (non-PHF)

Ambient 41.3F

## **Footnote 2**

### **Notes:**

3 compartment sink not set up.

## VOLUNTARY DESTRUCTION REPORT

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9974 W 87TH ST  
OVERLAND PARK, KS 66212

**Inspection:** 16000307  
**Store ID:**  
**Phone:** 9132202796  
**Inspector:** KDA16  
**Reason:** 01 Routine

### Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes;
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### ACTIONS

Number of products Voluntarily Destroyed 1

### VOLUNTARY DESTRUCTION REPORT

I have this day voluntarily destroyed, or caused to be destroyed, the merchandise described below. Said merchandise found in my possession was unfit for human consumption, misbranded, or otherwise unlawful. Destruction and final disposition of said merchandise has been done in a manner approved by the above named Inspector, representative of the Kansas Department of Agriculture.

I hereby release the Kansas Department of Agriculture, and its members, agents, and representatives from any and all liability.

1. Product Fried pork skins Qty 2 Units bags Value \$ 20.00

Description Adulterated

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

# NOTICE OF NON COMPLIANCE WITH KANSAS LAW

**Insp Date:** 6/25/2015      **Business ID:** 94722FE  
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9974 W 87TH ST  
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Reason: 01 Routine

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NOTICE OF NON COMPLIANCE WITH KANSAS LAW

The Kansas Food, Drug and Cosmetic Act, effective July 1, 2012 includes K.S.A. 65-619 et seq. and regulations promulgated pursuant thereto and grants the Kansas Department of Agriculture the authority to regulate food establishments and food processing plants.

The Kansas Food, Drug and Cosmetic Act requires that all violations shall be corrected no later than 10 days after this inspection unless otherwise directed on this form.

Failure to comply with the food safety law and its regulations may result in embargo of non-compliant products; immediate closure of your establishment; civil penalties of up to \$1,000.00 per violation; denial of license renewal, modification, suspension and/or revocation of any license or authority issued pursuant to the food safety law; and/or any other penalty authorized by law. Pursuant to K.S.A. 65-619 et seq, licensees issued authority under the Kansas Food, Drug and Cosmetic Act may apply to the secretary for an extension of the time prescribed above.

PLEASE CALL (785) 296-5600 IF YOU HAVE ANY QUESTIONS.

Follow up Scheduled 07/05/15

Inspection Report Number 16000307

Inspection Report Date 06/25/15

Establishment Name	CARNICERIA LUPITA
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Physical Address	9974 W 87TH ST	City	OVERLAND PARK
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Zip 66212

### Additional Notes and Instructions